

BILL # HB 2828

TITLE: prisoners; medical treatment guardians

SPONSOR: Lopes

STATUS: House Engrossed

REQUESTED BY: House

PREPARED BY: Kimberly Cordes-Sween

FISCAL ANALYSIS

Description

This bill provides for appointment of a treatment guardian to make psychotropic medication treatment decisions on behalf of a prisoner who is deemed to be incapable of making their own treatment decisions. HB 2828 is intended to involuntarily treat inmates who may not meet criteria for court ordered treatment (as with those treated at psychiatric wards).

Currently, an inmate must sign a consent form in order to receive psychotropic medication. If the prisoner refuses medication, the inmate may be ordered or forced to take the medication in an emergency or, in a non-emergency situation, an involuntary medication hearing will be held between 24 and 72 hours after receipt of the psychiatrist's recommendation in order to make a treatment decision. Current rules do not provide treatment guardians for prisoners.

As stated in HB 2828, the court will hear petitions for treatment guardian appointments within 45 days and the guardian will be appointed for a length of time to be determined by the court. If a treatment guardian's decision is determined to not be in the best interest of the prisoner, the treatment guardian may be removed and the inmate may be treated involuntarily, as permitted by the bill. This bill would allow continued use of involuntary medical hearings for inmates who refuse treatment but do not require treatment guardians because they are deemed capable of making their own treatment decisions.

Estimated Impact

The fiscal impact of the bill cannot be determined with certainty, but appears to be minimal. Historical information on the ability of inmates to make treatment decisions does not exist for inmates who have received involuntary treatment hearings. In the past year, however, most inmates who refused treatment ultimately received their medications through the existing hearing process.

According to the Department of Corrections, this bill is estimated to have minimal impact or no state fiscal impact.

Analysis

During the past 12 months, approximately 24 inmates refused psychotropic medication treatment, according to the Department of Corrections. The department states that it is unknown if these inmates were capable of making medical treatment decisions; however, in each of these cases, treatment professionals determined that medications were necessary and all but one were treated via the involuntary medical hearing process. One inmate appealed the involuntary treatment decision and the appeal was upheld. In FY 2006, the average monthly psychotropic medication cost per inmate is \$95.

According to the Department of Corrections, a family member would most likely obtain legal status as a psychotropic medication treatment guardian, thus incurring no new employment cost to the State. The bill provides a prioritized list of eligible treatment guardians.

Local Government Impact

None

3/16/06